

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JAMIE ALLEN, an individual, and on
behalf of himself and all other similarly
situated individuals

Plaintiff,

v.

Case No.: 2:19-cv-444-FtM-38NPM

B&I CONTRACTORS, INC.,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation. ([Doc. 31](#)). Judge Mizell recommends granting the parties' Joint Motion for Settlement Approval and Entry of Order of Dismissal ([Doc. 30](#)) and approving their settlement agreement ([Doc. 30-1](#)) as a fair and reasonable resolution of a bona fide disputes of the parties' FLSA claims. Neither party objects to the Report and Recommendation and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge

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may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently and upon considering Judge Mizell’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

(1) The Report and Recommendation ([Doc. 31](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated therein.


a. The Joint Motion for Settlement Approval and Entry of Order of Dismissal ([Doc. 30](#)) is **GRANTED**.

b. The Settlement Agreement, Waiver, and Release of Wage and Hour Claims is **APPROVED** as a fair and reasonable resolution of a bona fide dispute of the parties’ FLSA issues.

(2) The above-captioned case is **DISMISSED with prejudice**.

(3) The Clerk is **DIRECTED** to enter judgment, deny any pending motions as moot, and close the file.

DONE and **ORDERED** in Fort Myers, Florida on this 13th day of May 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record